

Gazette of the United States.

[No. LXI.]

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THE TABLET.—No. LXI.

"When men are certain that the truth of a thing is not to be known, they will always differ, and endeavor to impose on one another."

THOUGH men dispute for the purpose of ascertaining truth, yet there are few men who find less of it, than those who dispute a great deal. The habit of disputation is a dangerous one. It creates such a love of triumph that men acquire a dexterity of handling unintelligible subjects, with a view only to conquest. By this means, eager disputants abandon the plain paths of reason and truth, and wander into the fields of imagination and conjecture. When men confine their investigations to such points as admit of demonstration, he who takes the right side of the question will, with equal abilities, put his adversary to silence. The subject will be stripped of all adventitious glare, and the light of truth will shine conspicuously over error and sophistry. But those who dispute merely from the love of such a practice, know too well that they should have very little to do with reason and common sense. It should be their main object to elude the arguments of other people by the refinements of art and evasion.

Discussion is no doubt an important medium of investigating truth. It opens a spirit of enquiry in the world, and excites, in cool, disinterested men, a desire of coming at the real knowledge of such things, as are capable of being known. The warm disputants, however, only start the game. The acquisition falls to men of candor and impartiality, who take the right track, and often overtake their object. It is easy to observe that the most violent disputes, that prevail among men, are of such a nature, as cannot be reduced to a certainty. Many points of disputation are enveloped in such unknown or remote contingencies, as elude all the powers of investigation. After all the discussion that can be had on some subjects, truth will keep out of sight, and the point of debate remain undetermined. If men however manage their altercations with good humor and moderation, some benefit will result from them.—Discussion gives scope to the imagination and habituates the reasoning faculty to a dexterity in its processes.

No circumstance reflects more dishonor on human nature, than the ill-will and persecutions, that have been instigated by such disputes, as are not only unimportant in themselves, but utterly incapable of being demonstrated. The periods of ecclesiastical contention draw over the character of man some of its darkest shades. To a person of a liberal mind, it seems an incredible thing that a useless question, unattended with any rational data of solution should throw whole cities, districts and countries into broils, persecutions, and wars.

Though a free spirit of enquiry should at all times be tolerated, I would still recommend it to prudent individuals to have little connection with those, who have the principal management of disputes. They are not the men, from whom truth flows with purity and force. It is easy to perceive, that the originator of any system or question, will be apt to commence his enquiries with an aim to victory. Truth is no further to be regarded in his pursuit, than as it coincides with the favorite doctrine under examination. The system must not yield to the dictates of reason; but whenever they come in competition, reason must be sacrificed to system.

Lovers of altercation are not only to be shunned as bad guides in our researches after truth, but as troublesome associates and dangerous friends. A warm partizan estimates the merit of his acquaintance according as he promotes or defeats the schemes he has in contemplation. As these schemes generally will be wrong, his friend must either quarrel with him or participate in his errors and quarrels.

AGAINST PRIVATEERING:

Or Reasons in support of new proposed articles, in Treaties of Commerce, which may be formed by the United States of America.

By Dr. FRANKLIN.

BY the original law of nations, war and extirpation were the punishment of injury.—Humanizing by degrees, it admitted slavery instead of death: A farther step was the exchange of prisoners, instead of slavery: Another, to respect more the property of private persons under conquest, and be content with acquired dominion.—Why should not this law of nations go on improving? Ages have intervened between its several steps.—But as knowledge of late increases rapidly, Why should not those steps be quickened? Why should it not be agreed to as the future law of nations

that in any war hereafter the following descriptions of men should be undisturbed—have the protection of both sides, and be permitted to follow their employments in security, viz.

1. Cultivators of the earth, because they labor for the subsistence of mankind.
2. Fishermen, for the same reason.
3. Merchants and Traders, in *un-armed ships*—who accommodate different nations by communicating and exchanging the necessaries and conveniences of life.
4. Artists and mechanics, inhabiting and working in open towns: It is hardly necessary to add, that the hospitals of enemies should be unmolested—they ought to be assisted. It is for the interest of humanity in general, that the occasions of war, and the inducements to it should be diminished. If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting.

The practice of robbing merchants on the high seas, a remnant of the ancient piracy, tho it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it, or to the nation that authorizes it: In the beginning of a war some rich ships, not upon their guard, are surprized and taken.—This encourages the first adventurers to fit out more armed vessels, and many others to do the same: But the enemy at the same time become more careful—arm their merchant ships better, and render them not so easy to be taken; they go also more under the protection of convoys: Thus, while the privateers to take them are multiplied, the vessels subject to be taken, and the chances of profit, are diminished, so that many cruises are made wherein the expences overgo the gains—and as it is the case in other lotteries, the particulars have got prizes, the mass of adventurers are losers, the whole expence of fitting out all the privateers during a war, being much greater than the whole amount of goods taken.

Then there is the national loss of all the labor of so many men, during the time they have been employed in robbing—who besides spend what they get in riot, drunkenness and debauchery—lose their habits of industry—are rarely fit for any sober business after a peace, and serve only to increase the number of highwaymen and house-breakers.—Even the undertakers who have been fortunate, are by sudden wealth led into expensive living, the habit of which continues, when the means of supporting it cease, and finally ruins them.—A just punishment for their having wantonly and unfeelingly ruined many honest, innocent traders and their families, whose substance was employed in serving the common interest of mankind.

B. F.

THE OBSERVER.—No. IV.

The people have suffered an immense sum by the deranged state of the national debt.

AFTER all that the public have suffered by the confusion of finance in the union and several states, it is not strange that their patience is nearly exhausted. The want of a general government hath cost millions to the people, which are now very happily shared and enjoyed among a set of people who have been very scrupulous about liberty, the collectors of the taxes you have paid, and speculators in your disordered funds.

It is time the truth should be fairly spoken to the people at large, and the Observer will do it whatever may be the consequence. Some of the same scrupulous people now wish to play over the old game, and fill you with jealousies that they may have a second harvest; but their day is past. For our own preservation it is necessary we should attend to the sources of past confusion. By the national debt I mean all those sums which the union at large, and the particular States stand obligated to pay. These sums were incurred in one common cause, our defence in the general war—it was chance and not option which fixed men's names to the list of Continental or State creditors.

The general idea is a true one, that the whole must stand or fall together, and most people had little preference to either kind of security. There is not at present any reason in equity why one class of creditors should be preferred to the other—the whole ought to stand on the same funds, and have equal justice. Soon after the war a new constitution of government was found necessary to set things right, but at that juncture the country was not sufficiently enlightened to obtain it. The consequence was, the continent without any power of creating funds, began in a desultory manner to arrange their own finances. The several States finding the weakness of the union, began to make partial arrangements for that very debt, which on every principle of justice ought

to be sustained by the whole nation. Such remedies as these, adopted by different bodies of men, and at distant places and very different times, must in their nature be different and confused.

From this source you have seen more than fifty kinds of paper securities; at one time, within the United States, differing but a small matter in value, but enough to spread confusion over the whole, and betray the honest into the hands of designing men. The people have paid enough to make the creditors contented, had it come to their hands in a regular and equal method; but in the midst of this darkness nothing has been effected. The members of the old Congress, and of your assemblies, were men of wisdom, but what could wisdom do in such different and distant bodies, which had no constitutional connection, and of course could have no general system. Matters of this kind cannot be planned in a numerous body of men, be they ever so wise. A treasury board of proper compass, systematically arranged, and furnished with information, must concert; and the legislature after proper discussions must give the authority to execute.

The first step towards order and light is to reduce the whole national debt to one kind, and one set of regulations, and unless something of this nature takes place, you have millions more to pay without coming any nearer to the desired end. It is impossible that a plain man, who is an industrious and good subject, should distinguish between so many kinds of taxes of different values. Let the whole sum of this debt be brought together—placed on common and similar funds, and regularity introduced to the business—the public will then know their situation—thirty men will do that business for the whole union which now employs thro' the several States two hundred and fifty, all of whom are supported by the people.—The creditors will understand a plain and honest plan, and be saved from a thousand impositions—taxes will be of one kind, and the man who purchases to pay them will know the price he ought to give. I can foresee there will be objections to what I advance, and some very cunning men will cry danger! danger! but I never yet saw any evil from simplifying money matters, where all the people have to pay. It is the rolling up together of a number of half made systems, which endangers the people; for they cannot see thro' them, and the man that must borrow his neighbours wits to manage his own affairs, must soon borrow money to pay his debts. The present is a fortunate moment for this country, and the only one they will ever have to simplify their treasury matters. Let one great and inclusive system for the whole be adopted, and your finances may soon be reduced to perfect order. Should the present opportunity be past and the federal system not take in the whole of your national debt, another opportunity must not be expected—confusion will continue—the poor and unsuspecting will be cheated—jealousy will pervade all orders of citizens—there will be no public faith, and your monied men will hide their property—a stable medium for business will be severely wanted—and your future agriculture, manufactures and commerce, be denied that spring which might now be given them.

P. S. In the second number of this paper, some observations were made, on the compensation, the gentlemen of Congress have voted themselves—I think the public mind must be easy on this subject, when it is understood that the pay they have taken, is not greater than was allowed by the State assemblies to the members of the old Congress—take the State of Connecticut for an example.—The assembly of this State until May 1787, allowed their delegates three dollars per diem and their expences—the expences of the delegates were different and from two to four dollars per diem—probably the average of expences was three dollars, which added to the compensation for services, makes the sum now given to the Representatives. Since May 1787, the assembly of Connecticut have allowed five dollars per diem for service and expences. The allowance given by Connecticut, was much smaller than in most of the other States—I am informed that the average allowance made, by the assemblies of the thirteen States to their delegates, used to be eight dollars per diem, nearly, one fourth more than the gentlemen have allowed themselves—the members might then if they pleased, take a seat and continue under pay the whole year; now it will be but a small part of the year—then they might leave Congress when private business called them; now they are constrained by authority to be present, let their own concerns be ever so urgent—then they might and actually did hold offices of profit under their own States; now it is the popular sense they should not, and many in consequence have made a great sacrifice. These facts must justify the present compensation.

[From the AMERICAN MERCURY.]

L O N D O N, A U G U S T 15.

In Germany an excellent and cheap dye has been invented, adapted to woolen and cotton manufactures; it consists chiefly of the seeds of the red Trefoil, a plant very common in this country, and employed to feed horses, &c. A decoction of these seeds is mixed with different mineral substances, and the dyes produced are very beautiful, and of a great variety; amongst which are yellows and greens of different shades, as also citron and orange colours. These dyes resist the action of the substances with which trials are usually made much better than common dyes, and promise many advantages, if adopted, to the manufactures of this country.

Some days before the taking of the Bastille, the King said to the Duke of Orleans, who had come to pay his Majesty a visit—"You desire my head—you are a second Cromwell—retire from my presence." The Duke bowed, and obeyed, only saying as he went out, "In a few days your Majesty will have a more just opinion of my character. You will be better informed." Since which his Majesty has asked the Duke's pardon.

Almost every letter from America, is full of the poverty, distress, and misery of her citizens, and several well informed Republicans do not scruple to assert, that one of the first acts of the Federal Government must and will certainly be, an earnest application to Great Britain for some small share in the West-India commerce, the loss of which the Americans now feel, with the most painful regret. (*A lie—paid for.*)

St. JOHN'S, (Antigua) SEPTEMBER 8.

WE are informed by a correspondent, that the unfortunate Count Lowendahl, who, in a fit of passion, lately shot his servant in Paris, for some frivolous neglect, was condemned to have his head cut off, and that the sentence has been executed.

The King, understanding the sentence was to be carried into effect in a few hours, shut himself up in his closet, and would admit no person to an audience, till the fatal blow was given.—Thus was an end put to the life of one of the bravest and most amiable men in France, and we are sorry to observe, that the crime for which he suffered does not permit us to lament his fate. How unfortunate the frenzy that propelled such a man to so dreadful an action! He served in the late war as Colonel Commandant of the regiment of Armagnac, and was third in command at the unsuccessful attempt made on St. Lucia, which ended so much to the honour of Gen. Meadows, for his gallant repulsion of the enemy. In this action Count Lowendahl's regiment was cut almost to pieces. His father was the famous engineer who conducted the siege, and carried Bergenopzoom. It is imagined some disappointment at play, or a love affair, had influence on his mind at the time he committed the rash and melancholy act, for which society is now deprived of so very great a character, as this unfortunate officer was, in every other point of view. He had the rank of Lieutenant General at his death.

St. GEORGE'S (Bermuda) Sept. 15.

Extract of a letter from a gentleman in Martinique, to his correspondent in this town, dated Sept. 20.

The spirit of liberty seems to spread fast here—forty young gentlemen appeared at the last Opera with cockades worn by the Tiers Etat in their hats, and government did not attempt to take any notice of it. The negroes that attempted to revolt are not yet quelled entirely. A plot truly diabolical was formed amongst the house servants in town to poison the water jars and soup on the same day, which was fixed for to-morrow. Happily it has been discovered and every possible precaution taken in consequence.

Another letter mentions, that one of the infernal contrivers of this horrid plot had been taken with a large quantity of the deleterious ingredient upon him, a dose of which he instantly swallowed, that immediately put an end to his existence, and prevented that severe and exemplary death which he would otherwise have suffered by the hand of justice. But his body was dragged through the streets, and treated with every other mark of ignominy, which detestation or which just resentment could inspire.

C H A R L E S T O N, October 24.

A letter from the Gov. of North Carolina, to a gentleman in this city, mentions, that from the returns he had received of the elections for members of the Convention, the friends of the Union might entertain the most flattering hopes of that State's soon adopting the Constitution.

Extract of a letter from Augusta, Sept. 19.

On Tuesday evening last arrived at this place, the Hon. Benjamin Lincoln, Cyrus Griffin, and David Humphreys, Esq's, Commissioners Plenipotentiary for negotiating treaties with the Indian tribes south of the Ohio, on their way to the Rock Landing, to conclude the treaty with the Creeks. After some communications with the executive, they took an early dinner with his Honor the Governor, and proceeded about three o'clock yesterday afternoon. From appointments

so respectable and confidential, we have the best founded hopes of a substantial and just peace, and we feel it as a favorable feature already impressing in the dawnings of the new government. They were escorted out of town by Capt Watkins, and a number of respectable gentlemen.

The arrival of Gen. Lincoln in this frontier of the southern department has given universal pleasure, in which he was equally distinguished by his merits and services, under every adversity and difficulty in the late war. Nothing could have been more apt, or so confidential as his present appointment.

FROM THE MASSACHUSETTS CENTINEL.

Written at the Entry of THE PRESIDENT of the United States into the town of Boston, October 24, 1789.

DID human eye e'er see so fair a day!
Behold thy Genius, FREEDOM! lead the way.
Rude Kings of old did ruffian armies wait,
And swell with barb'rous port the pomp of state;
While the proud car, bedeck'd with guilty gold,
On FREEDOM'S writhing neck triumphant roll'd:
The nobles proud, who led the gorgeous train,
Wore Slavery's badge and drew a gilded chain:
While the loud shouts that pierc'd the troubled air,
The tongue of nations, only trill'd with fear:
The eye adoring scarce could check its flow,
For all their trophies swell'd on human woe.

The tracks of triumph thus the nations trod,
And thought the sov'reign power deriv'd from GOD.
Hence o'er the historic roll what hateful crimes
Were wrought the model of succeeding times?

But now fair LIBERTY illumines the age,
And reason tints Renown's recording page—
Blots from her eye the fierce barbarian's name,
And even *Cæsar* blurs the page of fame.

Who wrought the wond'rous change, what pow'r divine?
The wond'rous change, O WASHINGTON was thine!
'Tis your own era! grace the radiant page,
The fostering Father of the filial age!

Thou too, illustrious HANCOCK! by his side
In every lowering hour of danger try'd,
With him conspicuous o'er the beamy page,
Defend the theme of every future age,
When first the sword of early war we drew,
The King prefiging fix'd his eye on you;
'Twas your dread finger press'd the sacred seal,
Whence rose to sov'reign power the public weal.

Then WASHINGTON, O dearly honor'd name!
From callow youth the favorite of fame!
When hov'ring navies, (haughty *Albion's* boast,)
Pour'd their proud armies o'er the trembling coast,
Your country beck'd you from the rural bower,
And nerv'd your mighty arm with all her power.
The tyrant saw, and sick'ning at the view,
In fancy bid his frantic hopes adieu.

But, prompt by fate, still bad his armies dare,
Blew the vain trump and wag'd abortive war,
At length you drew the tyrant from his throne,
And bad his feel your course of glory crown.

When polish'd Wisdom seem'd her seats to fly,
On thee again the public cast her eye—
How rose the Model from your forming hand!
The proud palladium of our happy land!

Ah! gentle parent of the cradled States,
On whose fond eye an infant nation waits;
While now affection seems your step to stay,
And swarming concourse chokes your lab'ring way—
Perhaps, among the loud-acclaiming throng,
Your ear may touch the Muse's transient song.
The high-born Muse, from adulation free,
Attunes, O! CHIEF! her haughty lyre to thee.
No vulgar theme could ever tempt her strain,
Perhaps the proudest of the tuneful train.
Seclude from busy life her hours are led,
And her lone steps the shade of Science tread.
Her years revolving roll a playful flow,
Nor ever care o'erhung the Muse's brow.
From her recess, where her own roses twine,
How oft her fancy drew a form like thine:
Ere morning wak'd, the wing'd her early way,
To hail the dawn of this auspicious day.

ODE to THE PRESIDENT.

By a Lady.

THE season sheds its mildest rays,
O'er the blue waves the sun-beams play;
The bending harvest gilds the plain,
The towering vessels press the main:
The ruddy ploughman quits his toil,
The pallid miser leaves his spoil,
And grateful Pæans hail the smiling year,
Which bids Columbia's guardian Chief appear.

Hence! Disappointment's anxious eye,
And pale affliction's lingering sigh!
Let beaming Hope the brow adorn,
And every heart forget to mourn;
Let smiles of Peace their charms display,
To grace this joy-devoted day:
And where that arm preserv'd the peopled plain,
Shall mild Contentment hold her placid reign.

Let "white roo'd choirs" in beauty gay,
With lucid flowrets strew the way;
Let roses deck the scented lawn,
And Lilacs lift their purple form;
Let Domes in circling honors spread,
And wreaths adorn that glorious head;
To thee, GREAT WASHINGTON, each lyre be strung!
Thy matchless deeds by every Bard be sung!

When Freedom rais'd her drooping head,
Thy arm her willing heroes led;
And when her hopes, to thee resign'd,
Were resting on thy God-like mind,
How did that breath, to fear unknown,
And feeling for her fate alone,
O'er Danger's threat'ning form the Faulchion wield,
And tread with dauntless step the crimson'd field.

Not DECUS—for his country slain,
Not CINCINNATUS—deathless name!
CAMILUS—who could wrongs despise,
And, scorning wealth, to glory rise,
Could such exalted worth display,
Or shine with such unclouded ray:
Of Age the Hope, of Youth the leading Star,
THE SOUL OF PEACE, THE CONQUERING ARM OF WAR.

R I C H M O N D, October 28.

We are informed that a joint committee of the two Houses, is appointed to prepare an Address to The President of the United States. We also learn that a proposition is depending before the Honorable House of Delegates, to select and enact as Laws of this Commonwealth, all the Penal Statutes of Great-Britain, now in force in this Commonwealth.

We learn that the business of the Chiefs of the Chicafaw nation to Congress, was, to request they would furnish them with a quantity of powder, lead and arms, to enable them to go to war with some other tribe which had been troublesome to them. Finding that Congress had adjourned, they have applied to our Assembly, who have come to a resolution to grant them a supply of powder and lead, which we hope they will use towards the protection of our southern brethren.

PHILADELPHIA, November 5.

The ladies in France are not idle spectators of the grand revolution now accomplishing. They have distinguished themselves not merely by the love of liberty, but by their intelligence in developing its beauties. One of the most enlightened essays on a declaration of the rights of man has come from the pen of the accomplished and illustrious Mademoiselle de Keralio. Member of the Academy of Arras, and of the Patriotic Society of Bretons.

Extract of a letter from Grenada, Sept. 26.

There has been an insurrection in Martinique. They have hanged and broke upon the wheel above fifty; and within these few days it has been discovered that the Negroes at Martinique, say St. Pierre, had possessed themselves of large quantities of poison, and intended to poison all the white inhabitants. It was only discovered two days before this plot was to be put into execution. But what is still more alarming than all this, is, the Governor of Trinidad has lately published an ordinance, that all slaves coming there, or on any of the Spanish dominions shall be free. This ordinance has given the inhabitants of this island very much uneasiness, indeed so much so, that the grand jury petitioned the Governor to call the Legislature together, which has not yet been done.

The alarm is such, that the inhabitants of St. Mark's parish patrol every night from the sitting of the sun to the rising of it. There are two armed vessels with soldiers on board cruising, one to leeward, the other to windward, if possible, to prevent the slaves going off. From these circumstances I leave you to judge the situation we are in.

GENERAL ASSEMBLY, November 2.

The House proceeded to the election of a Speaker; and the ballots being taken, it appeared that the Hon. Richard Peters, Esq. was unanimously elected.

Mr. Speaker being placed in the chair—

A motion was made by Mr. Lewis, seconded by Mr. Wright, that the oaths or affirmations prescribed by the constitution of this State, be taken by the members of the House respectively, with the words "except so far as the same is altered or abolished by the constitution of the United States," added to the oath or affirmation of allegiance and fidelity, and the words, "and as the same is not altered or abolished by the constitution of the United States," added to the oath or affirmation of office—the said exception and addition being considered as explanatory of the sense in which members understand the said oaths or affirmations.

And the aforesaid motion being adopted,

Mr. Speaker and the members present were severally qualified according to the directions of the constitution, with the foregoing exceptions and additions, and the act of the United States passed the first day of June last.

B O S T O N, SATURDAY, OCTOBER 31.

On Tuesday last, the Society of the CINCINNATI of this Commonwealth, accompanied by the Viscount DE PONTEVES, Marquis DE TRAVERSAY, and Chevalier DE BRAYE, members of the Society in France, waited on THE PRESIDENT of the United States with the following Address. The Marquis DE GALLISSONIERE was unable to attend by reason of sickness.

To the PRESIDENT of the UNITED STATES.

SIR,
AMIDST the various gratulations which your arrival in this metropolis has occasioned, permit us, the Members of the Society of the Cincinnati in this Commonwealth, most respectfully to assure you of the ardor of esteem and affection which you have so indelibly fixed in our hearts as our glorious leader in war, and illustrious exemplar in peace.

After the solemn and endearing farewell on the banks of the Hudson, which our anxiety prefiged as final, most peculiarly pleasing is the present unexpected meeting.—On this occasion we cannot avoid the recollection of the various scenes of toil and danger through which you conducted us—and while we contemplate the trying periods of the war, and the triumphs of peace, we rejoice to behold you, induced by the unanimous voice of

your country, entering upon other trials, and other services alike important, and, in some points of view, equally hazardous. For the completion of the great purposes which a grateful country has assigned you, long, very long, may your invaluable life be preserved. And as an admiring world, while considering you as a soldier have long wanted a comparison, may your virtue and talents as a statesman leave them without a parallel.

It is not in words to express an attachment founded like ours. We can only say, that when soldiers, our greatest pride was a promptitude of obedience to your orders—as citizens, our supreme ambition is to maintain the character of firm supporters of that noble fabric of federal government, over which you preside.

As Members of the Society of the Cincinnati, it will be our endeavour to cherish those sacred principles of charity and paternal attachment which our institution inculcates. And while our conduct is thus regulated, we can never want the patronage of the first of patriots and the best of men.

W. EUSTIS, Vice-President.

Boston, Oct. 27, 1789.

To the MEMBERS of the SOCIETY of the CINCINNATI, in the COMMONWEALTH of MASSACHUSETTS,

GENTLEMEN,

IN reciprocating with gratitude and sincerity the multiplied and affecting congratulations of my fellow-citizens of this Commonwealth, they will all of them with justice allow me to say that none can be dearer to me than the affectionate assurances which you have expressed.—Dear indeed is the occasion which restores an intercourse with my faithful associates in prosperous and adverse fortune—and enhanced are the triumphs of peace, participated with those whose virtue and valour so largely contributed to procure them. To that virtue and valour your country has confessed her obligations: Be mine the grateful task to add the testimony of a connection, which it was my pride to own in the field, and it is now my happiness to acknowledge in the enjoyments of peace and freedom.

Regulating your conduct by those principles which have heretofore governed your actions as men, soldiers and citizens—you will repeat the obligations conferred on your country, and you will transmit to posterity an example which must command their admiration and obtain their grateful praise. Long may you continue to enjoy the endearments of paternal attachment, and the heartfelt happiness of reflecting that you have faithfully done your duty.

While I am permitted to possess the consciousness of that worth which has long bound me to you by every tie of affection and esteem, I will continue to be your sincere and faithful friend.

G. WASHINGTON.

Boston, Oct. 27, 1789.

On Wednesday last THE PRESIDENT of the United States, dined with the Hon. Mr. Bowdoin, at his seat.

DEPARTURE of the PRESIDENT.

On Thursday morning at eight o'clock THE PRESIDENT of the United States set out from his residence in Court-Street, on his journey eastward, escorted by Major GIBB's horse, and accompanied by a large number of citizens and others, on horseback, and in carriages, among whom were the Adjutant-General, Capt. LINZEE, Col. GREEN, and other officers of the Boston Regiment. On passing Charles river bridge, which was finely decorated with flags of all Nations, and of the construction of which he was pleased to express his approbation, he was saluted by a discharge of 11 guns, from Capt. CALDER's artillery posted on the celebrated heights of Charlestown. At Cambridge he was received in the Philosophy-Room of the University, by the President and Corporation, and after breakfasting, he viewed the Library, Museum, &c. He then continued his journey, having halted for a few minutes at Lynn, the gentlemen who were in carriages took their leave. The escort being joined by Capt. OSGOOD's company of horse, The President proceeded to Marblehead, where he dined with General GLOVER.—After viewing the town he set out for Salem, at the entrance of which he was met by a Committee, who conducted him into town, where he reviewed two regiments of General FISK's brigade, and several independent corps. From the field of review, he was escorted by the Independent Cadets, and followed by the principal inhabitants in Procession, to the Court House, into the balcony of which he was conducted by the Hon. Mr. GOODHUE. Contiguous to the Court House, a temporary gallery was erected, covered with rich Persian carpets, and decorated with damask curtains, from which a choir of singers saluted their illustrious visitant with an Ode adapted to the occasion. After this, the Hon. Mr. GOODHUE, Chairman of the Committee of the town, presented the President with an Address, and received from him his answer, in the presence of the assembled citizens, who amounted to several thousands, and who rent the air with their acclamations. The President, escorted as before, then

proceeded to the house prepared for his reception, and in the evening honored the Assembly with his company, where a brilliant circle exhibited a fine specimen of the taste, elegance and beauty of the ladies of Salem.

In the evening the Court-House was brilliantly illuminated, and a number of handsome fireworks let off.

Yesterday morning, at 8 o'clock, the President set out from Salem, escorted by Capt. OSGOOD's horse, and breakfasted with the Hon. Mr. CABOT in Beverly—at which place he viewed the Cotton manufactory, and then continued his journey.

The corps of horse of Andover under Capt. OSGOOD, which joined the President's escort at Lynn, on Thursday, consisted of upwards of 50 men—in red uniform faced with green.

It is said, that President SULLIVAN, of New-Hampshire, will meet the PRESIDENT of the United States at the line of his State, with 600 cavalry.

Not confined to the male creation are the testimonials of respect paid to the illustrious PRESIDENT of the United States.—The ladies have invented fashes on which the bald-eagle of the Union, and G. W. hold conspicuous places; and at the Oratorio on Tuesday, the Marchioness TRAVERSAY, exhibited on the bandeau of her hat the G. W. and the Eagle set in brilliants on a black velvet ground.

By a Gentleman from Newbury-Port we are informed, that the PRESIDENT of the United States arrived there on Friday last, about half past three o'clock, P. M. escorted by the Troop of Horse belonging to Ipswich and Wenham, and the Troop from Andover and Haverhill.—He was met by the Selectmen at the entrance of the town, and passed in, preceded by four companies of the Militia—the company of artillery—the gentlemen Selectmen—the Marshal of the district of Massachusetts,—then THE PRESIDENT and his Suite.—After which followed a very respectable procession of the citizens, and the two troops of horse. Every part was conducted with the greatest order and decency.—In the evening were fire-works, &c.—He was to leave the town for Portsmouth on Saturday morning.

PROVIDENCE OCTOBER 31.

The illustrious PRESIDENT of the United States set out from Boston for Portsmouth on Thursday last. We learn that he proposes visiting the State of Vermont, and returning to New-York by way of Albany.

NEW-YORK, NOVEMBER 11.

Altho the public is disappointed in the main object for which the Commissioners went to treat with the Southern Indians, yet, we hear, that they have concluded a truce with them for a number of months: And as the Indians in general discovered a pacific temper, it is to be hoped that a permanent peace may be soon settled.

Yesterday arrived the schooner Jenny, Captain Schermehorn, from Savanna, in whom came passengers, Capt. BURBECK and the whole of his company of matroses. By the latest accounts the Commissioners were at Petersburg, on their return to this city.

The question for calling a convention to deliberate on the constitution of the United States was lost in the Assembly of Rhode Island by a majority of 22, the 29th ult.

The Legislatures of Virginia, and Pennsylvania, are now in session.

The General Assembly of Delaware is adjourned to the 4th of January next.

The Legislature of Rhode Island has appointed the 26th instant to be observed as a day of Thanksgiving in that State.

The Supreme Executives of South Carolina and Pennsylvania, have directed that Thursday the 26th instant be observed as a day of Thanksgiving in those States agreeable to the Proclamation of the President of the United States.

On Sunday next the 15th inst. a CHARITY SERMON, will be preached, and a Collection made in the forenoon, at St. George's Chapel, for the benefit of the CHARITY SCHOOL in this city.—An ANTHEM, adapted to the occasion will be sung by the Scholars.

It is really curious to hear some persons talk of the happiness and prosperity of the United States: If they depreciate their own government—If they stint their public officers to a pittance, and treat them as menial servants—If they keep up a perpetual flame of jealousy and ill nature—and sow the seeds of disunion between the State and general governments.—If they express their approbation of their patriots by reserve and silence, Why then "the United States bid fair to flourish more than any other nation upon earth, and the people to be the happiest," but if they fondly please themselves with the idea of having the best form of government that the world hath ever known.—If they suppose that independency and responsibility should unite in their public officers, and that they ought to honor those who have evidenced their wisdom and patriotism.—If the principles of confidence and union are considered as the foundation of peace and security.—If the people express their feelings, their respect and veneration

in their mother tongue, in plain, common, and intelligible language, for the illustrious Saviour of their country—If they, in the abundance of their gratitude, give a scope to their feelings in the most unequivocal demonstrations of public affection and attachment.—"They open the door for luxury"—They exhibit "the parade of fools"—They insult those whom they mean to honor—"They disgust the President," and violate "the laws and constitution of their country."—What jargon and inconsistency. The truth is, the honors of our country bestowed upon the government, and those who administer it, are daggers to the bosom of the envious and disappointed.

The proposition to express our approbation of the President of the United States, by "reserved attention and silent affection," is strongly tinged with the Turkish policy of employing mutes—What! shall we feel, and not express our feelings!—Indignant idea!

"The happiness or wretchedness of human life does not so much depend on the loss or acquisition of real advantages, as on the fluctuating opinions and imaginations of men." We are often in possession of solid blessings without properly realizing their nature and value: Life and liberty are too common enjoyments to be suitably prized—but let the former be endangered by a threatening malady, or the latter wrested from us, and how alive will our sensations be? But does sickness, or power boast a transferring influence, and render those enjoyments valuable in their nature, which were not always so? By no means.—It is our opinions, and imaginations that are hereby affected—they place objects in a different point of view, as they are more or less influenced by circumstances. Did reason, and common sense always give the tone to our fancies, and estimation, those things which are intrinsically estimable, would always appear in their proper colors: In a state of peace, and security, and enjoying the blessings of good government, people are apt to grow remiss and inflexible of the eligibility of their situation; but when the arbitrary strides of despotism on the one hand, or the intrigues of faction on the other, threaten to disturb their tranquility, or infringe their privileges, what different ideas immediately occupy the public mind!

What are the triumphs of the *Cæsars* and *Alexanders*, which swell the historic page, and depict human weakness, ignorance and folly, compared to the approbation of a free, and an intelligent people, bestowed for acts of real virtue and benevolence, on the patriots, the friends of human kind? The sword of America was not unsheathed for conquest, or to extend the circle of human misery—All that was dear, and invaluable, was at stake.—It was the cause of liberty and justice—the cause of virtue and humanity.—Heaven never deserted such a cause—it smiled on our arms—victory and independence were the crown of our enterprises—and whatever some may now think or say of those who conducted our arms, who in the midst of difficulties, dangers, and success, were firm, intrepid, and temperate—who united with the best traits of the soldier's character, the best virtues of the citizen—and on all occasions paid a sacred regard to social rights, the time shall come when the full tide of applause shall roll over their memories, while cotemporary envy, spleen, and disappointment, shall go down the stream of oblivion.

ARRIVALS.—NEW-YORK.

Tuesday Sloop Catherine, Snell, Charleston, 6 days.
Brig Brothers, Pinkman, London, 63 days
Schooner Hope, Clarke, Cape Francois, 23 days.
Sloop Jenny, Schermehorn, Savannah.
Schooner Sally and Betsey, Wallau, Edenton, 8 days.

PLASTER OF PARIS.

Copy of a letter from Mr. Henry Wynkoop, of Vredon Hoff, Bucks County, Pennsylvania, 13th August, 1787, to the President of the Agricultural Society at Philadelphia.

S I R,

CONSIDERING of the utility of the Plaster of Paris as a grass manure, I communicate to you for the information of the Society, an experiment which I lately made. In the month of March last, as soon as the snow was off the ground, and it so settled as to bear walking upon the surface, I spread eight bushels of the Plaster of Paris upon two and a half acres of wheat stubble ground, which had been sown the spring before (in common with the rest of the field) with about two pounds of red clover seed for pasture; this spot yielded about the middle of June five tons of hay. A small piece of ground within the enclosure, and of similar quality, having been left unsown with the plaster, afforded an opportunity of distinguishing the effects of plaster of Paris as a manure; for from the produce of the latter, there was good reason to judge that my piece of clover, without the assistance of the plaster, might have yielded one and a half tons of hay; so that the eight bushels of pulverized stone must have occasioned an increase of three and a half tons of hay upon two and a half acres of ground, in addition to which it is now covered, to appearance, with between two and three tons fit for the scythe. This soil has been in course of tillage about fifty years, and never had any dung or manure upon it, but yet was what might be called good wheat land. As the effects of the plaster were thus powerful upon such kind of ground, there is good reason to conclude they would be much greater upon a soil previously manured.

With due respect, I am, &c.

(Signed) HENRY WYNKOOP.

The President of the Agricultural Society in Philadelphia.

I do hereby certify, that the above named Henry Wynkoop is a person of undoubted good character and worthy of credit; and I do also further testify, that Plaster of Paris is much used as a manure in the neighborhood of Philadelphia, and that it is generally held in high estimation by those who have tried it as a manure.

(Signed)

SAMUEL POWELL, President of the Agricultural Society.

Philadelphia, June 30, 1789.

REMAINDER of the JUDICIAL ACT.

(*Begun in our last.*)

And be it further enacted, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record either from their pleadings and decree itself, or a state of the case agreed by the parties, or their council, or if they disagree, by a stating of the case by the court.

And be it further enacted, That where in a circuit court, a plaintiff in an action, originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the discretion of the court, may be adjudged to pay costs.

And be it further enacted, That from final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in such district. *Provided*, nevertheless, that such appeals from final decrees as aforesaid, from the district court of Maine, shall be made to the circuit court next to be holden after each appeal in the district of Massachusetts.

And be it further enacted, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined, and reversed or affirmed in the circuit court, holden in the same district, upon a writ of error, where to shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the Supreme Court, the adverse party having at least twenty days notice. And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several States, or removed there by appeal from a district court where the matter in dispute exceeds the sum or value of two thousand dollars, exclusive of costs, be re-examined and reversed or affirmed in the Supreme Court, the citation being in such case signed by a judge of such circuit court, or justice of the Supreme Court, and the adverse party having at least thirty days notice. But there shall be no reversal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, non compos mentis, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good.

And be it further enacted, That a writ of error as aforesaid shall be a supersedeas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office, where the record remains within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a supersedeas; and whereupon such writ of error the Supreme or circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion.

And be it further enacted, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the Supreme Court shall do the same on reversals therein, except where the reversal is in favor of the plaintiff, or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

And be it further enacted, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favor of such their validity, or where is drawn in question the constitution of any clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said constitution, treaty, statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the Chief Justice or Judge or Chancellor of the Court, rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record and immediately respects the beforementioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute.

And be it further enacted, That in all cases brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond or other specialty, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant or upon demurrer, the court before whom the action is, shall render judgment thereon for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment shall be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

And be it further enacted, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be, to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit. And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as their shall be occasion, one or more deputies, who shall be removable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either, and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies before the judge of the district court to the United States, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I A. B. do solemnly swear or affirm,

"that I will faithfully execute all lawful precepts directed to the marshal of the district of _____ under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of _____ during my continuance in said office, and take only my lawful fees. So help me God."

And be it further enacted, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the person so appointed, is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased, until another marshal be appointed and sworn: And the defaults or misfeasances in office of the deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: And every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

And be it further enacted, That in cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venue facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person, or by his deputy, or in case the marshal or his deputy, is or is an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return juries *de talibus circumstantibus* sufficient to complete the panel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

And be it further enacted, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions in common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States, or before any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of council or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of such deposition; allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And in cases of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the deposition so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice if any given to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court. And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court. And if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity or imprisonment they are unable to travel and appear at court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice; which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereby made as a court of equity, may, according to the usages in chancery direct to be taken.

And be it further enacted, That where any suit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner or defendant,

in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a *scire facias* from the office of the clerk of the court where such suit is depending twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit: And the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

And be it further enacted, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act from time to time, amend all and every such imperfections, defects and want of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe.

And be it further enacted, That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence: And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be, may require on pain of imprisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence; and the usages of law. And if a person committed by a justice of the supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no judge of the United States in the district to take the same, it may be taken by any judge of the supreme, or superior or court of law of such State.

And be it further enacted, That the laws of the several States except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply.

And be it further enacted, That in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the supreme court in the district in which that court shall be holden. And he shall receive as a compensation for his services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person, learned in the law, to act as attorney-general for the United States, who shall be sworn or affirmed, to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the supreme court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall by law be provided. **FREDERICK AUGUSTUS MÜHLENBERG,**

Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States,
and President of the Senate.

APPROVED, SEPTEMBER 24, 1789.
GEORGE WASHINGTON, President of the United States.

MONITORIAL.

EXAMPLES are more powerful to persuade than either precept or force; and should virtue be universally practised by those whom the world look up to as models, the converts to goodness would not be so few as they now are: Americans have a bright exemplar before them. We have known our beloved President to be every thing that is great, heroic and magnanimous—We have read his moral precepts—and we have seen him practising the morality of his writings. Attentive to the duties of his high station, he nevertheless gives constant attendance on Divine Worship—nor does he ever permit secular affairs to break in upon the duties of the Sabbath. We all love the President—greatly revere him: Let us then imitate every trait in his character which is in our power, by copying his moral virtues—we shall find as he expresses it, an indissoluble connection between duty and advantage—between a just and religious life and conversation—and its solid rewards, peace and happiness. [*Masi. Cent.*]

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